

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICTOR HERNANDEZ,)	No. C 09-03759 JF (PR)
)	
Petitioner,)	ORDER OF DISMISSAL
)	
vs.)	
)	
JAMES A. YATES, Warden,)	
)	
Respondent.)	

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on August 17, 2009. That same day, the clerk of the Court sent a notification to Petitioner that the petition was deficient because he did not pay the filing fee or file an In Forma Pauperis Application. (Docket No. 2) Along with the notice, Petitioner was mailed the Court's In Forma Pauperis Application, instructions for completing such an application, including a certificate of funds form completed and signed by a prison official, and a return envelope. Petitioner was informed that failure to respond within thirty days of the notice would result in the dismissal of this action. The deadline as since passed, and Petitioner has failed to respond.

Accordingly, this case is DISMISSED without prejudice for failure to pay the filing fee or file a completed in forma pauperis application.

IT IS SO ORDERED.

Dated: 12/3/09


 JEREMY FOGEL
 United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VICTOR ROGER HERNANDEZ,
Petitioner,

Case Number: CV09-03759 JF

CERTIFICATE OF SERVICE

v.

JAMES A. YATES, Warden,
Respondent.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 12/16/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Victor Roger Hernandez K-31659
Pleasant Valley State Prison - D3-128 lower
PO Box 8504
Coalinga, CA 93210

Dated: 12/16/09

Richard W. Wieking, Clerk